

DECISION MEMORANDUM

**TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL**

DATE: JANUARY 20, 2010

**SUBJECT: APPLICATION OF MITEL NETSOLUTIONS, INC. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY,
CASE NO. ITN-T-09-01**

On November 25, 2009, Mitel NetSolutions, Inc. (“Mitel” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity pursuant to *Idaho Code* §§ 61-526 through 528, IDAPA 31.01.01.111 and Commission Order No. 26665 to provide local exchange telecommunications services within the state of Idaho.

On December 29, 2009, the Commission issued a Notice of Application and Modified Procedure with a 21-day comment period. *See* Order No. 30968. Thereafter, Commission Staff was the only party to submit comments within the established comment period.

THE APPLICATION

Mitel is a Texas corporation and lists its principal place of business as Chandler, Arizona. *Application* at 1-2. Mitel is registered with the Idaho Secretary of State as a foreign company and has contracted with Corporation Service Company, 1401 Shoreline Drive, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* at 2. Mitel has no office in the State of Idaho. *Id.* at 1.

Mitel wishes to “provide resold local exchange service throughout the service areas of Qwest North, Qwest South and Verizon, utilizing the facilities of the incumbent LECs (ILECS).” *Id.* at 2. Mitel does not plan to install facilities in Idaho. *Id.* at 4. The Company “intends to provide all forms of intrastate local exchange and interexchange telecommunications services including”: switched local exchange, non-switched local service (e.g., private line), Centrex and/or Centrex-like services, and Digital subscriber line (ISDN). *Id.* at 5. The Company requests authority to “resell local

exchange services initially throughout the State where provided by incumbent LECs,” except areas already serviced “by any LECs which are eligible for a small or rural carrier exemption. . . .” *Id.* at 5.

In its filing, Mitel has attached a copy of its illustrative tariff. *Id.* at 7, Exhibit 5. The Company has “reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho” and agrees to “provide service with all laws, rules and regulations to the extent they are not preempted by the Federal Act.” *Id.* at 8. Mitel states that it “has not initiated interconnection or resale negotiations” for network interconnection. *Id.* The Company will not require advanced payments or deposits from its customers; therefore, no escrow account is being filed. *Id.* Mitel has not initiated interconnection or resale negotiations for network interconnection. *Id.*

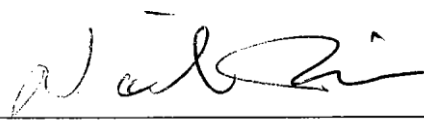
STAFF COMMENTS AND RECOMMENDATION

Staff has reviewed Mitel’s Application and recommends that the Company’s Application be approved subject to the following conditions:

1. Full compliance with the Number Pool Administrator and Idaho Commission Order No. 30425, which requires NRUF and Utilization reporting;
2. Report and contribute to the Idaho Universal Service Fund, Idaho Telecommunications Relay System, ITSAP and any requisite annual reporting that may be appropriate in the future for competitive telecommunications providers;
3. Submission of a final price list prior to the issuance of the Certificate; and
4. An agreement from the Company to relinquish its Certificate and any telephone numbers, if it is not doing business in Idaho within one year of the issuance of a CPCN.

COMMISSION DECISION

Does the Commission wish to approve Mitel’s Application for a Certificate of Public Convenience and Necessity?



Neil Price
Deputy Attorney General